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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,803	01/20/2004	Kosuke Haruki	087828-0209	5396
23392	7590	02/23/2006	EXAMINER	
FOLEY & LARDNER 2029 CENTURY PARK EAST SUITE 3500 LOS ANGELES, CA 90067			AU, SCOTT D	
			ART UNIT	PAPER NUMBER
			2635	

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/762,803

Applicant(s)

HARUKI, KOSUKE

Examiner

Scott Au

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, and 8-18 is/are rejected.
- 7) ☒ Claim(s) 5-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 01202004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

The application of Haruki for an "Electronic apparatus and remote controller" filed January 22, 2004 has been examined.

Claims 1-18 are pending.

### ***Claim Objections***

Claims 11-15 are objected to because of the following informalities: "multiple function" and "determined that said first function" is written incorrectly. Examiner treats as "multiple functions" and "determined that said second function". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, and 3-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Williams, Jr. (US# 6,195,797).

Referring to claim 1, Williams, Jr. teaches an electronic apparatus (col. 11 lines 11-18; see Figure 2) furnished with multiple functions that are remotely controllable by

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at least a first and second remote controller (22) (i.e. set top boxes), said apparatus comprising: a first module for activating a first function; a second module for activating a second function; and a control unit (20) (i.e. server) activate simultaneously, for accepting a request from said second remote controller and activating the second function while activating the first function at a request from said first remote controller (col. 3 lines 10-30 and col. 4 lines 6-23).

Referring to claim 3, Williams, Jr. teaches an electronic apparatus according to claim 1, wherein: said control unit includes means for notifying said second remote controller, upon activation of said first function, that said first function has become unavailable (col. 14 lines 51-67).

Referring to claim 4, Williams, Jr. teaches an electronic apparatus according to claim 3, wherein: said control unit includes means for notifying said second controller, upon deactivation of said first function, that said first function has become available (col. 14 lines 65-67).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-10 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams, Jr. (US# 6,195,797).

Referring to claim 8, Williams, Jr. discloses a remote controller used to remotely control an electronic (col. 11 lines 11-18; see Figure 2) apparatus furnished with multiple functions, said remote controller (22) (i.e. set top boxes) comprising: display means (23) (i.e. display); receiving means (29) (i.e. digital input/output) for receiving a notice from said electronic apparatus that one or more than one of said multiple functions has become unavailable; and that said one or more than one function specified in the notice received at said receiving means has become unavailable (col. 14 lines 51-68). However, Williams, Jr. is silent on teaching the notifying means for notifying a user, through said display means.

Williams, Jr. teaches the display and sound hardware (23) as a display of the information receiving from the server (20) including the acknowledgment information to the user (col. 14 lines 30-40 and 51-65).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to have the display means (23) of Williams, Jr. for displaying the notifying information from the server to the user (1) (i.e. see Figure 2).

Referring to claim 9, Williams, Jr. discloses the remote controller according to claim 8, wherein: said receiving means includes means for receiving a notice from said electronic apparatus that one or more than one of said multiple functions has become available; and said notifying means includes means for notifying the user, through said display means, that said one or more than one function specified in the notice received at said receiving means has become available (col. 14 lines 51-68).

Referring to claims 10 and 18, Williams, Jr. discloses the remote controller according to claims 8-9, further comprising: a control unit for deciding, when a manipulation is performed on said remote controller attempting to control a function of said electronic apparatus, whether the function which is attempted to be controlled by said manipulation is available, and prohibiting transmission of a control signal to said apparatus upon deciding that said function is unavailable (col. 14 lines 51-67).

Claims 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams, Jr. (US# 6,195,797) in view of Ludtke (US# 6,237,049).

Referring to claim 11, Williams, Jr. discloses a method of controlling an electronic apparatus having multiple functions (col. 11 lines 11-18; see Figure 2) comprising the steps of:

remotely controlling a first function of said electronic apparatus using a first remote controller (22) (i.e. first set top box) (col. 11 lines 11-18);

receiving in said electronic apparatus a request for control of a second function from a second remote controller (22) (i.e. second set top box) while said first function is being performed by said electronic apparatus(i.e. requests from different clients) (col. 4 lines 6-23 and col. 18 line 64 to col. 19 line 6);

the determining in said electronic apparatus whether said second function may be operated simultaneously with said first function (i.e. server 20 determines if the request is available or NOT from one of the set box 22, if NOT then the transmission of data is not transmitted to that set box 22 simultaneously with other set boxes) (col. 14 lines 51-67); remotely controlling a second function if it is determined that said second function may be simultaneously performed with said first function (col. 14 lines 51-67).

However, Williams, Jr. did not explicitly disclose the method of rejecting the request for the second function if it is determined that said second function may not be simultaneously performed with said first function.

In the same field of endeavor of home network system, Ludtke teaches the method of rejecting the request for the second function if it is determined that said second function may not be simultaneously performed with said first function (col. 7 lines 55-57 and col. 19 line 53 to col. 20 line 13).

One ordinary skill in the art recognizes that the method of rejecting the request for the second function if it is determined that said second function may not be simultaneously performed with said first function of Ludtke is desirable in the home network system of Williams, Jr. because Williams, Jr. teaches the user is informed with unavailable signal of the requested information from the server 20 (col. 14 lines 34-67) and Ludtke teaches that the third consumer device received the rejection of the requested signal from the proxy device that the requested reservation can not be performed at the time (col. 19 line 53 to col. 20 line 13). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include the method of rejecting the request for the second function if it is determined that said second function may not be simultaneously performed with said first function Ludtke in the home network system of Williams, Jr. with the motivation for doing so would allow the proxy device to provide more specific functionality for other consumer devices in the network 5 (col. 19 lines 15-19).

Referring to claim 12, Williams, Jr. in view of Ludtke disclose the method as recited in claim 11, Ludtke discloses further comprising the steps of: sending a



notification signal to said second remote controller upon rejecting the request for the second function (col. 19 line 53 to col. 20 line 14).

Referring to claim 13, Williams, Jr. in view of Ludtke disclose the method as recited in claim 12, Williams, Jr. discloses further comprising the steps of: sending another notification signal to said second remote controller when said first function is no longer being performed to notify said second remote controller that said second function may now be performed (col. 14 lines 51-67).

Referring to claims 14-15, Williams, Jr. in view of Ludtke disclose the method as recited in claim 12, Williams, Jr. teaches the display and sound hardware (23) as a display of the information receiving from the server (20) including the acknowledgment information to the user (col. 14 lines 30-40 and 51-65) and the routine repeats until a channel becomes available (col. 14 lines 65-67). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made that Williams Jr. teaches at least one of an audio and visual indicator is generated by said second remote controller upon receiving said notification signal and wherein at least one of an audio and visual indicator is generated by said second remote controller upon receiving said other notification signal.

Referring to claim 16, Williams, Jr. discloses a method of controlling an electronic apparatus having multiple function comprising the steps of: transmitting by a remote controller a request signal to said electronic apparatus (col. 11 lines 11-18). However,

Williams, Jr. is silent on teaching the method of providing at said remote controller at least one of a visual and audible indication of receipt of said indicator signal.

Williams, Jr. teaches the display and sound hardware (23) as a display of the information receiving from the server (20) including the acknowledgment information to the user (col. 14 lines 30-40 and 51-65).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to have the display means (23) of Williams, Jr. for displaying as an indication of signal to the user (1) from server (i.e. see Figure 2). However, Williams, Jr. did not explicitly disclose the method of receiving in said remote controller an indicator signal from said electronic apparatus if said request is rejected by said electronic apparatus.

In the same field of endeavor of home network system, Ludtke teaches the method of receiving in said remote controller (i.e. consumer electronic media device) an indicator signal from said electronic apparatus if said request is rejected by said electronic apparatus (13) (i.e. proxy box) (col. 20 lines 6-13).

One ordinary skill in the art recognizes that the method of receiving in said consumer electronic media device an indicator signal from said electronic apparatus if said request is rejected by said proxy box (13) of Ludtke is desirable in the home network system of Williams, Jr. because Williams, Jr. teaches Williams, Jr. teaches the display and sound hardware (23) as a display of the information receiving from the server (20) including the unavailable acknowledgment information to the user (col. 14

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lines 30-40 and 51-65) and Ludtke teaches the proxy device transmits a rejection signal to the third consumer electronic media device indicating that the requested reservation of the particular subunit of the second consumer electronic media device cannot be performed at that time. At step 1124, the third consumer electronic media device receives the rejection signal from the proxy device (col. 20 lines 6-13). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include the method of receiving in said consumer electronic media device an indicator signal from said electronic apparatus if said request is rejected by said proxy box (13) of Ludtke in the home network of Williams, Jr. with the motivation for doing so would indicate to the user of the requested can not be performed at that time.

Referring to claim 17, Williams Jr. in view of Ludtke disclose the method of claim 16, Williams, Jr. teaches the display and sound hardware (23) as a display of the information receiving from the server (20) including the acknowledgment information to the user (col. 14 lines 30-40 and 51-65) and the routine repeats until a channel becomes available (col. 14 lines 65-67). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made that Williams Jr. teaches the method of receiving another indicator signal at said remote controller which indicates that said request would be accepted by said electronic apparatus if said request signal were re-transmitted by said remote controller; and providing at said

remote controller at least one of a visual and audible indication of receipt of said another indicator signal .

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams, Jr. (US# 6,195,797) as applied to claim 1 above, and further in view of Ludtke (US# 6,237,049).

Referring to claim 2, Williams, Jr. discloses the apparatus of claim 1. However, Williams, Jr. did not explicitly disclose wherein: said control unit includes means for accepting a request for said first function while said first function is activated in a case that the request is sent from said first remote controller and rejecting the request for said first function in a case that the request is sent from said second remote controller.

In the same field of endeavor of home network system, Ludtke teaches the control unit (13) (i.e. proxy device) includes means for accepting a request for said first function while said first function is activated in a case that the request is sent from said first remote controller (i.e. second consumer device) and rejecting the request for said first function in a case that the request is sent from said second remote controller (i.e. third consumer device) (col. 19 line 53 to col. 20 line 13).

One ordinary skill in the art recognizes that the proxy device (13) for accepting a request for said first function while said first function is activated in a case that the request is sent from said second consumer device and rejecting the request for said first function in a case that the request is sent from said third consumer device of

Ludtke is desirable in the home network of Williams, Jr. because Williams, Jr. teaches the user is informed with unavailable signal of the requested information from the server 20 (col. 14 lines 34-67) and Ludtke teaches that the third consumer device received the rejection of the requested signal from the proxy device that the requested reservation can not be performed at the time (col. 19 line 53 to col. 20 line 13).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include the proxy device (13) for accepting a request for said first function while said first function is activated in a case that the request is sent from said second consumer device and rejecting the request for said first function in a case that the request is sent from said third consumer device of Ludtke in the home network system of Williams, Jr. with the motivation for doing so would allow the proxy device to provide more specific functionality for other consumer devices in the network 5 (col. 19 lines 15-19).

### ***Claim Objections***

Claims 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Referring to claim 5, the following is a statement of reasons for the indication of allowable subject matter: the prior art fail to suggest limitations that storage means for storing control data used to execute exclusive control on two or more of said multiple functions that are not usable concurrently, wherein said

control unit decides, among all functions other than a given function, which are usable while said given function is activated and which are not, based on the control data stored by said storage means.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Neuman (US# 2003/0195969) discloses the system and method supporting infrared remote control over a network.

Dara-Abrams et al. (US# 6,259,707) disclose a network system with multiple users simultaneously communicating with the base station.

Rakib (US# 6,970,127) discloses a remote control for wireless control of system and displaying of compressed video on a display on the remote.

Neel et al. (US# 5,838,314) disclose a digital video services system.

Ludtke et al. (US# 6,141,702) disclose a model and command set for an AV/C-based disc media player recorder.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Au whose telephone number is (571) 272-3063. The examiner can normally be reached on Mon-Fri, 8:30AM – 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached at (571) 272-3068. The fax phone numbers for the organization where this application or proceeding is assigned are (571)-272-1817.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Scott Au

SA

2/14/06

MICHAEL HORABIK  
SUPERVISORY PATENT EXAMINER  
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